

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN AUDIO PROCESSING HARDWARE
AND SOFTWARE AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-949

**NOTICE OF COMMISSION DECISION NOT TO REVIEW INITIAL
DETERMINATIONS PARTIALLY TERMINATING THE INVESTIGATION WITH
RESPECT TO U.S. PATENT NOS. 6,377,637; 5,825,898; AND 6,483,923; AND CERTAIN
CLAIMS OF U.S. PATENT NOS. 6,363,345 AND 6,049,607**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determinations ("ID") (Order Nos. 25 and 26) partially terminating the investigation as to all allegations of infringement relating to U.S. Patent Nos. 6,377,637 ("the '637 patent"); 5,825,898 ("the '898 patent"); and 6,483,923 ("the '923 patent"); claims 4-11, 18-20, 22, and 39-46 of U.S. Patent No. 6,363,345 ("the '345 patent"); and claims 5-7, 9-12, 29-31, and 33-37 of U.S. Patent No. 6,049,607 ("the '607 patent").

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 18, 2015, based on a complaint filed by Andrea Electronics Corp. ("Andrea") of Bohemia, New York. 80 *Fed. Reg.* 14,159 (Mar. 18, 2015). The complaint alleges violations of section

337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain audio processing hardware and software and products containing same by reason of infringement of certain claims of the '898 patent, the '923 patent, the '637 patent, the '345 patent, and the '607 patent. The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. § 1337(a)(2). The notice of investigation named 13 respondents. The Office of Unfair Import Investigations is a party in this investigation.

On September 2, 2015, Andrea filed an unopposed motion seeking partial termination of the investigation based on withdrawal of all allegations relating to the '898 patent and the '923 patent. Order No. 25 at 1. Andrea asserted that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. *Id.* at 2.

On December 3, 2015, Andrea filed an unopposed motion seeking partial termination of the investigation based on withdrawal of all allegations relating to the '637 patent, claims 4-11, 18-20, 22, and 39-46 of the '345 patent, and claims 5-7, 9-12, 29-31, and 33-37 of the '607 patent. Order No. 26 at 1. Andrea asserted that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. *Id.* at 2.

On December 8, 2015, the ALJ granted the two motions as separate IDs. Order Nos. 25 and 26. The ALJ found no extraordinary circumstances preventing Andrea's partial termination of the investigation based on withdrawal of the '898 patent, the '923 patent, the '637 patent, claims 4-11, 18-20, 22, and 39-46 of the '345 patent, and claims 5-7, 9-12, 29-31, and 33-37 of the '607 patent. *See* Order No. 25 at 2; Order No. 26 at 2.

No petitions for review of the IDs were filed. The Commission has determined not to review the IDs.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 5, 2016